

**REMARKS**

**A.) Allowable Subject Matter**

Applicants wish to thank the Examiner for indicating that claims 3-5, 7, 8, 10, 11, 13 and 14 would be allowable if rewritten in independent form. Applicants believe the Examiner intended to indicate that claim 9, not 8, would be allowable. The Applicants respectfully request that the Examiner clarify this point in the next Office Action.

**B.) The Section 103 Rejections Based on Young**

In the Office Action claims 1, 2, 6, 9 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,719,868 to Young. Applicants disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention includes, among other things, the feature of using “at least one predefined sequence” to assign a link resource that is used to connect neighboring nodes in order to avoid contention. Young does not disclose or suggest the use of such a sequence to assign link resources or to avoid contention. Instead, the time slots that are assigned in Young, and any sequence of time slots, have no relationship to the frequencies that are used in Young to avoid contention. Said another way, Young’s frequencies are selected without regard to the sequence of time slots used or any other sequence for that matter.

In the Office Action the Examiner takes the position that the claimed predefined sequences are disclosed in Young. The Examiner states: “The predefined sequences comprises [sic] the order in which the neighboring nodes are allowed to transmit via the time slot each is assigned to transmit in [Young]....”. Setting aside for present purposes whether Young even discloses a predefined sequence of time slots (which the Applicants have some doubt about), as

stated above, the alleged sequence of time slots in Young does not determine whether a given resource (e.g., frequency) can be utilized to avoid contention. Rather, Young appears to select its frequencies based on whether a frequency “announced” by a node is already in use; not based on any predefined sequence.

In sum, it is Applicants’ belief that the subject matter of claims 1, 2, 6, 9 and 12 would not have been obvious to one of ordinary skill in the art at the time the present application was filed based on the disclosures in Young. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of these claims as well as claims 3-5, 7, 8, 10, 11 and 13.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By \_\_\_\_\_

  
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